

Issued July 13, 1911.

United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 943, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO KETCHUP.

.On or about October 22, 1910, the Michigan Refining and Preserving Company, Menominee, Mich., shipped from the State of Michigan into the State of Oklahoma a consignment of tomato ketchup, packed in fifty crates, each of which contained six jugs of one gallon each. The crates were marked "Great Lakes Ketchup" and each of the jugs in question was labeled "Great Lakes Brand Tomato Ketchup. Contains 1/10 of one per cent Benzoate of Soda. Manufactured by Michigan Refining & Preserving Co., Menominee, Mich." In the same shipment were fifty cases each containing two dozen bottles of the same product, said bottles bearing labels identical with those on the jugs. A sample from this shipment was procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain yeasts and spores, 350 per one-sixtieth cmm., bacteria, 25,000,000 per cc., with mold filaments present in 90 per cent of the microscopic fields examined. As it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Oklahoma.

In due course a libel was filed in the District Court of the United States for said district against the said fifty crates and fifty cases of ketchup, charging the above shipment, alleging the product so shipped to be adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

On February 14, 1911, the cause came on for hearing, and no claimant to the product having appeared or answer to the allegations of the above libel having been filed, the court, being fully informed in the premises, issued its decree, finding the product to be adulterated

as alleged in said libel and ordering the destruction thereof by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 10, 1911.*

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